

1 “exceptional circumstances exist, the district court must evaluate both the likelihood of success on the
2 merits [and] the ability of the [plaintiff] to articulate his claims pro se in light of the complexity of the
3 legal issues involved.” Id. (internal quotation marks and citations omitted).

4 In the present case, the Court does find that neither the interests of justice nor exceptional
5 circumstances warrant appointment of counsel at this time. LaMere v. Risley, 827 F.2d 622, 626 (9th
6 Cir. 1987); Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991). Plaintiff is proceeding on a claim
7 of deliberate indifference to a serious medical need and the legal issues present in this action are not
8 complex, and Plaintiff has thoroughly set forth his allegations in the complaint.

9 While a pro se litigant may be better served with the assistance of counsel, so long as a pro se
10 litigant, such as Plaintiff in this instance, is able to “articulate his claims against the relative
11 complexity of the matter,” the “exceptional circumstances” which might require the appointment of
12 counsel do not exist. Rand v. Rowland, 113 F.3d at 1525 (finding no abuse of discretion under 28
13 U.S.C. § 1915(e) when district court denied appointment of counsel despite fact that pro se prisoner
14 “may well have fared better-particularly in the realm of discovery and the securing of expert
15 testimony.”) Based on the record in this case, Plaintiff is able to articulate his claims and litigate this
16 action. Circumstances common to most prisoners, such as lack of financial resources, lack of legal
17 education and limited law library access, do not establish exceptional circumstances that would
18 warrant a request for voluntary assistance of counsel. Accordingly, Plaintiff’s third motion for
19 appointment of counsel is DENIED, without prejudice.

20
21
22 IT IS SO ORDERED.

23 Dated: March 3, 2017



UNITED STATES MAGISTRATE JUDGE